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# SENATE BILL No. 221

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-15-2.

**Synopsis:** Indiana Toll Road. Prohibits the Indiana finance authority from: (1) selling the Indiana Toll Road to any entity other than the state; (2) leasing the Indiana Toll Road to any entity other than the department of transportation (INDOT); or (3) entering into a contract for the operation of the Indiana Toll Road with any entity other than INDOT.

**Effective:** Upon passage.

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January 9, 2006, read first time and referred to Committee on Commerce and Transportation.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 221

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A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-15-2-14.7, AS ADDED BY P.L.214-2005,  
2       SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 14.7. (a) As used in this section,  
4       "development authority" refers to the development authority  
5       established under IC 36-7.5-2-1.  
6       (b) Subject to the trust agreement of any outstanding bonds and  
7       subject to the requirements of subsection (d), the authority shall  
8       distribute to the development authority in calendar year 2006 and  
9       calendar year 2007 from revenues accruing to the authority from the  
10      toll road at least five million dollars (\$5,000,000) and not more than ten  
11      million dollars (\$10,000,000) each year. The amount of the distribution  
12      for a year shall be determined by the authority. The amount to be  
13      distributed each year shall be distributed in equal quarterly amounts  
14      before the last business day of January, April, July, and October of  
15      2006 and 2007. The amounts distributed under this subsection shall be  
16      deposited in the development authority fund established under  
17      IC 36-7.5-4-1.

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(c) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsections (d) and (e), after 2007 the authority may distribute to the development authority amounts from revenues accruing to the authority from the toll road. The amount of any distribution for a year shall be determined by the authority. Any amounts to be distributed for the year under this subsection shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of the year. Any amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(d) A distribution may be made by the authority to the development authority under subsection (b) or (c) only if all transfers required from cities and counties to the development authority under IC 36-7.5-4-2 have been made.

(e) A distribution may be made by the authority to the development authority under subsection (c) only after the budget committee has reviewed the development authority's comprehensive strategic development plan under IC 36-7.5-3-4 and the director of the office of management and budget has approved the comprehensive strategic development plan.

~~(f) If the Indiana Toll Road is sold or leased before January 1, 2008 (other than a lease to the department); and the sale or lease agreement does not require the purchaser or lessee to continue making the distributions required by subsection (b); the treasurer of state shall pay an amount equal to the greater of zero (0) or the result of:~~

~~(1) twenty million dollars (\$20,000,000); minus~~

~~(2) any amounts transferred to the development authority under this subsection before the sale or lease;~~

~~from the state general fund to the development authority fund established under IC 36-7.5-4-1.~~

~~(g) (f)~~ Amounts distributed or paid to the development authority under this section may be used for any purpose of the development authorized under IC 36-7.5.

~~(h) (g)~~ The amounts necessary to make any distributions or payments required or authorized by this section are appropriated.

SECTION 2. IC 8-15-2-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. (a) The authority may not do any of the following:**

**(1) Sell the Indiana Toll Road to any entity other than the state.**

**(2) Lease the Indiana Toll Road to any entity other than the**

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department.

(3) Enter into a contract for the operation of the Indiana Toll Road with any entity other than the department.

(b) This section may not be construed to limit the authority's power to enter into:

(1) a contract with the department for the operation of the Indiana Toll Road under IC 8-9.5-8-7; or

(2) a lease of the Indiana Toll Road to the department under IC 8-9.5-8-8.

(c) This section may not be construed to limit the authority's power to determine under IC 8-23-7 that the Indiana Toll Road should become a part of the system of state highways free of tolls or become a tollway under IC 8-15-3.

SECTION 3. An emergency is declared for this act.

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